

REMARKS

Entry and consideration of this Amendment are respectfully requested.

In the most recent Office Action dated September 6, 2006, the Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,115,807 to Pless et al. (hereinafter “Pless”) in view of U.S. Patent No. 5,249,573 to Fincke (hereinafter “Fincke”). Applicants submit that the claims are patentable.

For example, claim 13 recites an electric stimulator which includes an analyzer which is electrically connected to terminals of an energy charging element without providing an inductor therebetween.

Previously, the Examiner asserted that Fincke’s sampling voltage sense line 146 and capacitor 34 correspond to the claimed analyzer and energy charging element, respectively. However, referring to Figure 6 of Fincke, the capacitor 34 is clearly not *electrically* connected to the sampling voltage sense line 146. Conversely, the elements are *magnetically* connected via the inductor and flux sense coil 136. Moreover, the inductor is provided between the capacitor 34 and sampling voltage sense line 146. Thus, Fincke does not teach or suggest that the alleged analyzer 146 is *electrically* connected to terminals of the alleged energy charging element 34 *without providing an inductor therebetween*. Pless does not cure these deficiencies.

Because Pless and Fincke, neither alone nor in combination, teach or suggest all of the features of claim 13, Applicants submit that the claims are patentable.

Independent claims 1, 2, and 14 recite features analogous to those discussed above in conjunction with claim 13. Thus, Applicants submit that these claims are patentable at least for

**PRELIMINARY AMENDMENT
U.S. APPLICATION NO. 10/727,493**

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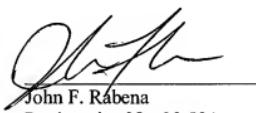
reasons analogous to those discussed above. Applicants also submit that claims 3-12 and 15, being dependent on one of claims 1 and 2, are patentable at least by virtue of their dependency.

For all the foregoing reasons it is respectfully submitted that claims 1-15, being all the claims present in the application, are patentable and that this application is in condition for allowance. It is therefore respectfully requested that the subject application be passed to issue at the earliest possible time.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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